

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WOLFRAM RESEARCH, INC. and,
WOLFRAM ALPHA LLC

Plaintiffs

v.

LODSYS, LLC,

Defendant

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Civil Action No. 2:11-cv-00750-LA

**DEFENDANT LODSYS, LLC'S
MOTION TO DISMISS UNDER FRCP 12(b)(1)**

Defendant Lodsys, LLC ("Lodsys") hereby moves, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, to dismiss the First, Second, and Fourth Claims for Relief against Lodsys in plaintiff Wolfram Research, Inc. and Wolfram Alpha LLC's (collectively, "Wolfram") Complaint for Declaratory Judgment (the "Complaint") for lack of subject matter jurisdiction. As permitted by Rule 12(b), Lodsys files this motion in lieu of an answer and without waiving its right to answer the allegations in Wolfram's Complaint and assert any applicable defenses, affirmative defenses, and counterclaims.

The grounds for this motion are set forth fully in the accompanying Memorandum in Support of Defendant Lodsys, LLC's Motion to Dismiss under FRCP 12(b)(1).

Dated this 7th day of October, 2011.

s/Aaron T. Olejniczak

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